

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA - ATLANTA DIVISION

IN RE:

VANESSA NIECHELLE WINDHAM,

Debtor.

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR J.P. MORGAN
ALTERNATIVE LOAN TRUST 2006-S2,
MORTGAGE PASS-THROUGH
CERTIFICATES,

Movant,

v.

VANESSA NIECHELLE WINDHAM, Debtor
NANCY J. WHALEY, Trustee,

Respondent(s).

CASE NO. 18-70257-JWC

CHAPTER: 13

JUDGE: HONORABLE JEFFERY W.
CAVENDER

CONTESTED MATTER

MOTION FOR ORDER LIFTING STAY

Pursuant to the Order entered in this contested matter December 19, 2019, a copy of which is attached, Movant requests the Court to enter an Order lifting the automatic stay to permit Movant to foreclose. As shown in the attached Affidavit in support of this Motion, there was a default in making payments required under the Order.

Movant also requests that the provisions of Bankruptcy Rule 4001(a)(3) be waived.

/s/ Bryce Noel

Bryce Noel, Bar No.: 620796
Attorney for Movant
Aldridge Pite, LLP
Fifteen Piedmont Center
3575 Piedmont Road, N.E., Suite 500
Atlanta, GA 30305
Phone: (404) 994-7400
Fax: (888) 873-6147
Email: BNoel@aldridgepite.com



IT IS ORDERED as set forth below:

A handwritten signature in black ink, reading "Jeffery W. Cavender".

Date: December 19, 2019

Jeffery W. Cavender
U.S. Bankruptcy Court Judge

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CONSENT ORDER ON MOTION FOR RELIEF FROM STAY (#29)

The above styled Motion having been scheduled for a hearing before the Court on October 8, 2019, upon Notice of Assignment of Hearing to each of the above-captioned parties in interest, and it appearing to the Court that the parties consent hereto:

FURTHER IT IS HEREBY ORDERED that the Motion for Relief from Stay with respect to 1974 Marvin Lane, Atlanta, Georgia 30311 is denied, as the parties herein agree that the interest of Movant is adequately protected by payment and performance as more particularly set forth hereinafter.

FURTHER ORDERED that the post-petition arrearage through October 1, 2019, totals \$2,964.87, including three (3) payments of \$988.29 each.

This arrearage shall be paid as follows:

Debtor shall receive a credit of \$369.75 in suspense. Debtor is ordered to pay the sum of \$2,300.00 instant. Beginning November 1, 2019, Debtor shall resume timely remittance of the regular monthly mortgage payments. Beginning November 15, 2019 and continuing on the 15th day of each subsequent month, Debtor shall pay an additional \$98.37 per month, for two (2) months and one (1) month of \$98.38, or until the arrearage is cured. Payments should be sent to:

Select Portfolio Servicing, Inc.
PO Box 65450
Salt Lake City, UT 84165
or to such address as may be designated. It is

FURTHER ORDERED that should Debtor(s) default in payment of any sum specified herein, or in any regular monthly mortgage payments which come due according to Movant's Loan Documents for a period of six (6) months from the date of entry of this order, then upon notice of default sent by first class mail to Debtor(s), attorney for Debtor(s) and the Trustee, and failure of Debtor(s) to cure such default within ten (10) days from the date of receipt of such notice, Movant may file a motion and affidavit of default, with service upon Debtor(s), attorney for Debtor(s) and the Trustee. If no motion to convert case, motion to sell, response disputing the factual allegations of the motion, or response alleging some extraordinary circumstances comparable to those contemplated by Fed. R. Civ. P. 60(b) is filed within twenty (20) days from

the date of service of the motion and affidavit of default, the Court may enter an Order lifting the automatic stay, without further notice or hearing.

FURTHER ORDERED that in the event relief from the automatic stay is later granted, the Trustee shall cease funding any balance of Movant's claim, and the provisions of Fed. R. Bank. P. 4001(a)(3) may be waived.

FURTHER ORDERED that upon completion of any foreclosure sale, any funds in excess of the amount due to Movant and to any subordinate lienholder(s) properly entitled to receive proceeds under applicable State Law that would otherwise be payable to the Debtor(s), shall be paid to the Trustee for the benefit of the Estate while the Debtor(s) remains in bankruptcy.

[END OF DOCUMENT]

CONSENTED TO BY:

/s/ Andrew H. McCullen

Andrew H. McCullen, Bar No.: 872658

Attorney for Movant

Aldridge Pite, LLP

Fifteen Piedmont Center

3575 Piedmont Road, N.E., Suite 500

Atlanta, GA 30305

Phone: (404) 994-7400

Fax: (619) 590-1385

Email: amccullen@aldridgepite.com

/s/ Howard P. Slomka with express permission

Howard P. Slomka, Bar No.

Attorney for Debtor(s)

Suite 2100

3350 Riverwood Parkway

Atlanta, GA 30339

Phone: (404) 800-4001

Email: se@myatlslaw.com

NO OPPOSITION:

/s/ Julie M. Anania with express permission
Julie M. Anania, Bar No. 477064
Attorney for Trustee
303 Peachtree Center Avenue
Suite 120, Suntrust Garden Plaza
Atlanta, GA 30303
Phone: (678) 992-1201
Email: ecf@njwtrustee.com

DISTRIBUTION LIST

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Atlanta, GA 30303

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Fifteen Piedmont Center
3575 Piedmont Road, N.E., Suite 500
Atlanta, GA 30305

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CAVENDER

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AFFIDAVIT

Personally before the undersigned officer duly authorized to administer oaths under the laws of the State of Utah appeared Jeanette Navajo who, being first sworn, deposes and states as follows:

Document Control Officer

1. I am of legal age, under no legal disability, and am competent to testify in this matter as to the facts stated herein. I have personal knowledge of the facts stated herein as they relate to compliance with this Court's Order filed December 19, 2019.

2. Since the entry of said Order, there has been a default in payments required under said Order as follows:

As of the mailed Notice of Default on April 23, 2020, the default consists of the failure to remit the regular monthly mortgage payments in the amount of \$988.29 each, for the

months of February 2020 through April 2020. The total amount necessary to cure the default was \$2,284.86, which reflects a credit of \$680.01 in suspense.

As of the expiration on the Notice of Default, no payments have been received to cure the default.

As of May 19, 2020, the default consists of the failure to remit the regular monthly mortgage payments in the amount of \$988.29, for the month of April 2020; and the regular monthly mortgage payments in the amount of \$1,187.76, for the month of May 2020. The total amount necessary to cure the default was \$2,172.62, which reflects a credit of \$3.43 in suspense.

3. Pursuant to the Order, the parties were notified of the default by letter, a copy of which is attached.

4. The default was not cured within the time permitted under the Order.

5. Because of the default, Affiant submits that Movant is entitled to the relief for which the Order provides.

State of Utah
County of Salt Lake
Sworn to and subscribed

before me this 2nd day

of June, 2020. By Jeanette Navajo, Personally Known, Document Control Officer.

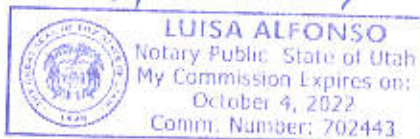
Luisa Alfonso

Notary Public

My Commission Expires: October 4, 2022

Jeanette Navajo 6/2/2020
Name: Jeanette Navajo
Title: Document Control Officer

Select Portfolio Servicing, Inc.
3217 S. Decker Lake Dr., SLC, UT 84119



ALDRIDGE PITE
LLP

Alabama · Alaska · Arizona · California · Florida · Georgia · Hawaii · Idaho · Nevada · New Mexico · New York ·
Oregon · Tennessee · Texas · Utah · Washington

April 23, 2020

Vanessa Niechelle Windham
3651 Preakness Drive
Decatur, GA 30034

Howard P. Slomka
Slipakoff & Slomka, PC
Suite 2100
3350 Riverwood Parkway
Atlanta, GA 30339
se@myatlalaw.com

Re: Windham, Vanessa Niechelle
Bankruptcy Case No.: 18-70257-JWC
Creditor: U.S. Bank National Association, as Trustee for J.P. Morgan Alternative Loan
Trust 2006-S2, Mortgage Pass-Through Certificates
Our File No.: 000368-002286-M
Property Address: 1974 Marvin Lane, Atlanta, Georgia 30311

Dear Addressees:

I am writing to you on behalf of U.S. Bank National Association, as Trustee for J.P. Morgan Alternative Loan Trust 2006-S2, Mortgage Pass-Through Certificates to advise you that there has been a default on payments pursuant to the Order filed December 19, 2019.

The default is the result of failure to remit the regular monthly mortgage payment of \$988.29 for the months of February 2020 through April 2020. The total amount necessary to cure the default is \$2,284.86, which reflects a credit of \$680.01 in suspense. Payment should be sent directly to Select Portfolio Servicing Inc., P.O. Box 65450, Salt Lake City, UT 84165. Payment in less than the full amount might not be accepted. For any questions regarding this notice, please call (404) 994-7400.

If this default is not cured within ten (10) days after the date of receipt of this notice, additional fees and costs may be incurred, and the Court may enter an Order granting the relief for which the Order provides.

Please contact the undersigned if you have questions regarding the default.

Sincerely,

/s/ Bryce Noel

Bryce Noel
BNoel@aldridgepite.com
(858) 750-7600

cc: Nancy J. Whaley
Nancy J. Whaley, 13 Trustee
303 Peachtree Center Avenue
Suite 120, Suntrust Garden Plaza
Atlanta, GA 30303
ecf@njwtrustee.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify under penalty of perjury that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that on the June 15, 2020, I caused a copy of the **Motion for Order Lifting Stay, Proposed Order Granting Motion for Relief from Stay and Affidavit** which were filed in this bankruptcy matter on the June 15, 2020, to be served in the manner indicated:

The following parties have been served by the Court by the virtue of their participation in the CM/ECF system:

Howard P. Slomka

Department of Justice

Nancy J. Whaley

The following parties have been served via U.S. First Class Mail:

Vanessa Niechelle Windham
3651 Preakness Drive
Decatur, GA 30034

**I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.**

Dated: June 15, 2020

/s/ Bryce Noel

Bryce Noel, Bar No.: 620796
Attorney for Movant
Aldridge Pite, LLP
Fifteen Piedmont Center
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Atlanta, GA 30305
Phone: (404) 994-7400
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